



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JAIME E. CASTANEDA,

Plaintiff,

v.

AETNA HEALTH INC. and
OSCAR ENRIQUEZ, M.D.,

Defendants.

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CIVIL ACTION NO. 1:07-CV-532
(TH/KFG)

**MEMORANDUM ORDER ADOPTING
REPORT AND RECOMMENDATION AND GRANTING SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 636(b) and the Local Rules for the Eastern District of Texas, the Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for determination of pre-trial matters and entry of findings of fact and recommended disposition on dispositive matters. The defendants' motions for summary judgment and the plaintiff's motion to dismiss the motions for summary judgment are pending before the Court.

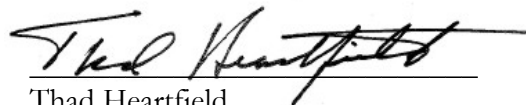
Judge Giblin entered a *Report and Recommendation* on the motions for summary judgment on August 12, 2009. He entered findings and recommended that the Court grant the defendants' motions for summary judgment and deny the plaintiff's motion to dismiss. He also recommended that plaintiff's claims be dismissed in their entirety and that the Court enter judgment as a matter of law in favor of the defendants

The plaintiff filed objections to the magistrate judge's report. *See Objections* [Clerk's doc. #27]. Pursuant to the Plaintiff's objections and in accordance with 28 U.S.C. § 636(b)(1), the Court conducted a *de novo* review of the magistrate's findings, the record, the relevant evidence, the specific objections, and the applicable law in this proceeding. The Court concludes that the plaintiff's objections are without merit because they do not address any of the magistrate judge's specific conclusions of law or findings of fact as required by the statute. The plaintiff's objections also do not present any new arguments or factual issues which were not presented to the Court at the time of summary judgment briefing. After review, the Court finds that Judge Giblin's findings and recommendations should be accepted. The Plaintiff's objections are overruled.

Accordingly, the *Report and Recommendation on Motions for Summary Judgment* [Clerk's doc. #24] is **ADOPTED** by the Court. The factual findings and legal conclusions of the magistrate judge are therefore fully incorporated by the undersigned in support of this order.

The Court further **ORDERS** that Defendant Oscar Enriquez, M.D.'s *Motion for Summary Judgment* [Clerk's doc. #18] is **GRANTED**; Defendant Aetna Health Inc.'s *Motion for Summary Judgment* [Clerk's doc. #19] is **GRANTED**; Plaintiff's *Motion for Dismissal of Defendants' Motion for Summary Judgment* [Clerk's doc. #20] is **DENIED**. Final judgment will be entered separately.

SIGNED this the 15 day of September, 2009.


Thad Heartfield
United States District Judge